



BOARD OF COUNTY COMMISSIONERS SHELBY COUNTY, TENNESSEE

AGENDA

Monday, September 22, 2008

*Commissioner Deidre Malone, Chairman
Commissioner Joyce Avery, Chairman Pro Tempore
Commissioner Henri E. Brooks
Commissioner Wyatt Bunker
Commissioner Mike Carpenter
Commissioner Sidney Chism
Commissioner George Flinn*

*Commissioner Joe Ford
Commissioner J.W. Gibson II
Commissioner James Harvey
Commissioner David Lillard
Commissioner Steve Mulroy
Commissioner Mike Ritz*

9/22/2008 11:17 AM

1:30 PM

COMMISSION CONVENES

CALL TO ORDER

Chairman Deidre Malone

OPENING OF THE COMMISSION

Deputy Sheriff

INVOCATION

**Reverend Angelo M. Conway
United Community Outreach Worship
Center**

PLEDGE OF ALLEGIANCE

ROLL CALL

**Approval of Minutes of Previous Session
July 7, 2008**

CONSENT AGENDA

Resolutions of Memorial, Sympathy and Commendation

1. [Memorial Resolution celebrating the exemplary life and work of William A. Gwatney and expressing sympathy on behalf of the people of Shelby County for his untimely passing. Sponsored by Commissioner David Lillard.](#)
2. [Resolution honoring Mr. W. Hamilton "Ham" Smythe, III for extraordinary service to the citizens of Shelby County as Chairman of the Shelby County Agricenter Commission. Sponsored by Chairman Deidre Malone.](#)

Ordinances

Zoning and Subdivisions

Reports and/or Resolutions for Standing Committees

MALONE
Chairman, Budget and
Finance Committee

3. [Resolution to approve a contract with Chicago Title Insurance Company in the amount of \\$175,000.00 for title searches and this item requires expenditures of professional services in the amount of \\$175,000.00. Sponsored by Commissioner Deidre Malone.](#)

BUNKER
Chairman, Public
Works Committee

4. [Resolution amending the FY 2008-2009 operating budget for Shelby County Government to allow expenditures of \\$284,340.00 for a roadside litter grant for the period July 1, 2008 to June 30, 2009 and this item requires the expenditure of state grant funds in the amount of \\$284,340.00. Sponsored by Commissioner Wyatt Bunker.](#)

AVERY
Chairman, Hospitals
and Health Committee

5. [A resolution approving a subcontract in the amount of \\$194,260 with the Memphis Health Center, Inc., to operate the Special Supplemental Food Program for Women, Infants and Children \(WIC\), and this item requires expenditure of State Grant Funds in the amount of \\$194,260.00. Sponsored by Commissioner Joyce Avery.](#)

CHISM

Chairman, Law
Enforcement
Committee

6. Resolution amending the FY09 Budget for Federal Grant Funds for the Fatherhood 5 Program from the U S Department of Health and Human Services. This resolution allows the expenditure of \$179,275.00 from the Fatherhood 5 Grant Fund and \$21,562.00 from the Corrections Fund. Sponsored by Commissioner Sidney Chism.

CHISM

Chairman, Law
Enforcement
Committee

7. Resolution amending the FY09 Budget For Federal Grant Funds for the Fatherhood 2 Program from the U S Department of Health and Human Services. This Resolution allows the expenditure of \$145,301.00 from the Fatherhood 2 Grant Fund and \$16,549.00 from the Corrections Fund. Sponsored by Commissioner Sidney Chism.

CHISM

Chairman, Law
Enforcement
Committee

8. A resolution approving a contract in the amount of \$195,000.00 with PRINTRAK, a Motorola Company, for mobile AFIS software for the Sheriff's office automated fingerprint identification system and this item requires expenditure of U.S. Department of Justice grant funds in the amount of \$195,000.00. Sponsored by Commissioner Sidney Chism.

FORD

Chairman, General
Government
Committee

9. Resolution receiving and filing oaths for the Chairman and Chairman Pro Tempore of the Shelby County Board of Commissioners. Sponsored by Commissioner Joe Ford.

FORD

Chairman, General
Government
Committee

10. Resolution receiving and filing oaths of office for the officials of Shelby County Government elected on August 7, 2008. Sponsored by Commissioner David Lillard.

GIBSON

Chairman, Delinquent
Tax Property
Committee

11. Resolution approving the sale of nine Delinquent Tax Parcels totaling \$83,800.00 from Tax Sale (s) 005, 96.1, 99.04, 101, 201, 305, and 306 pursuant to the provisions of TCA 67-5-2507. Sponsored by Commissioner J. W. Gibson, II

GIBSON

Chairman, Delinquent
Tax Property
Committee

12. Resolution approving the sale of nine Delinquent Tax Parcels totaling \$66,300.00 from Tax Sale (s) 0203, 0204, 0303, 0305, 0306 and 0401 pursuant to the provisions of TCA 67-5-2507. Sponsored by

Commissioner J. W. Gibson, II

REGULAR AGENDA

Elections, Appointments, and Confirmations

FORD

Chairman, General
Government
Committee

13. Resolution to approve appointments by Chairman Deidre Malone of officers and members of the standing committees of the Shelby County Board of Commissioners for 2008-2009. Sponsored by Chairman Deidre Malone. (AMENDED IN COMMITTEE 9/17/08)

FORD

Chairman, General
Government
Committee

14. Resolution approving the appointments to various boards and commissions for 2008/2009 by the Chairman of the Shelby County Board of Commissioners. Sponsored by Chairman Deidre Malone.

Ordinances

FORD

Chairman, General
Government
Committee

15. ORDINANCE- THIRD READING (AMENDED)- an Ordinance to amend the Shelby County Code of Ordinances, Chapter 2, Article II, Section 2-57 relative to the purchase, sale, or exchange of materials, supplies, commodities, equipment and real estate from, to or with any federal, state or local governmental entity. Sponsored jointly by Commissioners Joe Ford and Mike Carpenter.

Zoning and Subdivisions

RITZ

Chairman, Land Use
Committee

16. CASE NO. S.U.P. 08-219 CC
APPLICANT: Spring Creek Ranch Club, LLC
LOCATION: South side of Monterey Road; +/-350 feet east of Collierville-Arlington Road REQUEST: Special Use Permit to allow a golf swing analysis and fitting studio
RECOMMENDATIONS:
Memphis and Shelby County Office of Planning and Development:
APPROVAL WITH CONDITIONS
Memphis and Shelby County Land Use Control Board:
APPROVAL WITH CONDITIONS
(No notice of public hearing or notice letters to

interested property owners required since there was no opposition at the Land Use Control Board)

RITZ
Chairman, Land Use
Committee

17. [CASE NO. P.D. 06-314 CC](#)
APPLICANT: Wal-Mart Stores
APPELLANT: Gray's Creek Association
LOCATION: Northwest corner of Houston Levee Road and Macon Road
REQUEST: Appeal to reverse Land Use Control Board approval of a site plan for a proposed Wal-Mart Supercenter consisting of 151,908 square feet of floor area.
RECOMMENDATIONS:
Memphis and Shelby County Office of Planning and Development:
REJECTION
Memphis and Shelby County Land Use Control Board:
APPROVAL WITH CONDITIONS
(Notice of public hearing to be published in the Daily News on Friday, September 12, 2008)
(SENT FROM COMMITTEE WITHOUT RECOMMENDATION)

Reports and/or Resolutions for Standing Committees

MALONE
Chairman, Budget and
Finance Committee

18. [A resolution amending the 2008-2009 Operating Budget to increase the Trustee's budget by \\$60,000 in order to administer the new tax freeze program. Sponsored by Chairman Deidre Malone. \(AMENDED IN COMMITTEE 9/17/08\)](#)

BUNKER
Chairman, Public
Works Committee

19. [A resolution approving a contract in the amount of \\$906,996.00 with Archimania for design and construction administration services for a mixed-use parking garage and underground utility infrastructure at the 157 Poplar Avenue site and this item requires an expenditure of county CIP funds in the amount of \\$906,996.00. Sponsored by Commissioner Wyatt Bunker. \(DEFERRED TO 10/6/08\)](#)

BUNKER
Chairman, Public
Works Committee

20. [Resolution Approving a Contract in an amount not to exceed \\$324,900.00 with EnSafe, Inc. to conduct a Phase II Environmental Assessment of 13.34](#)

miles of the CSX Railway Corridor, and this item requires an expenditure of Grant Funds in an amount not to exceed \$324,900.00. This Resolution Sponsored by Commissioner Mike Carpenter.

BUNKER

Chairman, Public
Works Committee

21. A resolution approving an agreement with Spring Creek Ranch, LLC and an expenditure of funds in the amount of \$98,400.00 for the rights to connect the proposed Cotton Creek Area Sewer system to the Spring Creek Ranch Pump Station for transportation of the wastewater to the Town of Collierville publicly owned treatment works and this item requires an expenditure of County CIP Funds in the amount of \$98,400.00. Sponsored by Commissioner Wyatt Bunker.

BUNKER

Chairman, Public
Works Committee

22. A resolution approving an amendment to the contract with AFRAM Corporation in the amount of \$133,112.20 for the design of a low pressure sewer system in the Cotton Creek Area and this item requires an expenditure of County CIP Funds in the amount of \$133,112.20. Sponsored by Commissioner Wyatt Bunker.

BUNKER

Chairman, Public
Works Committee

23. A resolution approving an agreement with the Town of Collierville to treat the wastewater from the Cotton Creek Area. Sponsored by Commissioner Wyatt Bunker.

HARVEY

Chairman, Economic
Development
Committee

24. Resolution to approve an agreement to recoup the cost of providing improvements, facilities and services to Bearman Golden Gardens, Inc, a Tennessee not-for-profit corporation, as required by applicable tax exemption statute, Tenn. Code Ann. 67-5-207 et seq. Sponsored by Commissioner Deidre Malone. (AMENDED IN COMMITTEE 9/17/08)

HARVEY

Chairman, Economic
Development
Committee

25. Resolution to approve an agreement to recoup the cost of providing improvements, facilities and service to Shields, Inc, a Tennessee not-for-profit corporation, as required by applicable tax exemption statute, Tenn. Code Ann. 67-5-207, et seq. Sponsored by Commissioner Deidre Malone. (AMENDED IN COMMITTEE 9/17/08)

HARVEY
Chairman, Economic
Development
Committee

26. [Resolution authorizing the sale to the City of Memphis of the County's interest in the Pyramid, Mid South Coliseum and land under the Liberty Bowl for \\$5,000,000.00 and authorizing the Mayor to enter into a contract for this purpose with the City of Memphis. Sponsored by Commissioner Sidney Chism. \(AMENDED IN COMMITTEE 9/17/08\)](#)

Announcements/Statements

27. Notification from County Mayor of appointments/reappointments to various Boards, Commissions, and offices of Shelby County Government. a) Resolution approving the County Mayor's nomination of Tracy R. Chism for appointment to the Shelby County Health, Education and Housing Facility Board. Sponsored by Commissioner Joe Ford. b) Resolution approving the County Mayor's nomination of Jane Ashley Folk, Mary Harvey Gurley and Linda White for appointment to the Memphis and Shelby County Film and Television commission. Sponsored by Commissioner Joe Ford. c) Resolution approving the County Mayor's nomination of Anthony Tate and Lee Askew III for appointment to the Shelby County Healthcare Corporation. Sponsored by Commissioner Ford. d) Resolution approving the County Mayor's nomination of Michael Adrian Davis and Marc E. Willis for appointment and Kurt "KC" Clayton, Richard C. Cushing, John Michael MacCarthy, Patricia Mitchell Worley, and Michael Steven Moore for reappointment to the Memphis and Shelby County Music Commission. Sponsored by Commissioner Ford.

Adjournment

28. Resolution of adjournment to Monday, October 6, 2008 at 1:30 p.m.